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September 15, 2004
MFG Project No.: 040017/040024

Bill Adams
U.S. EPA – Region 10
ECL-112
1200 Sixth Avenue
Seattle, WA 98101

SUBJECT: **Administrative Order of Consent (AOC) No. 10-2002-0138 (August 22, 2002) between the U.S. Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ), and Union Pacific Railroad Company (UPRR) and The Burlington Northern and Santa Fe Railway Company (BNSF) (the AOC) –** Response to Combined EPA and IDEQ Comments dated August 16, 2004 on the Engineering Evaluation/Cost Analysis Response Action Under the Comprehensive Environmental Response Compensation and Liability Act, Wallace Yard and Spur Lines" prepared by MFG, Inc., dated May 2004 (the EECA)

Dear Mr. Adams:

On behalf of UPRR and BNSF we are hereby submitting a response to the combined comments by EPA and IDEQ dated August 16, 2004 on the above referenced EECA. This submittal is being made within the requested 30 days of receipt of the EPA/IDEQ comments.

A discussion of the EPA/IDEQ comments was held on August 31, 2004 between representatives of EPA, IDEQ, UPRR, BNSF, and MFG. As indicated in that discussion, the EPA/IDEQ comments can generally be categorized into the following requested revisions to the EECA:

- Prepare a streamlined ecological risk assessment,
- Prepare a streamlined human health risk assessment,
- Provide additional detail relative to the hydrological setting of Wallace Yard and address potential metals loading from Wallace Yard to groundwater and surface water,
- Provide more detail regarding the scope and nature of the recommended response actions, and
- Other general comments.

This response to comments will address these five general areas as opposed to an individual response to

each of the EPA/IDEQ comments. Individual responses to individual comments can be provided in the revised EECA if the agencies deem that to be necessary.

Streamlined Ecological Risk Assessment (ERA) – EPA has performed an ERA for the entire Coeur d'Alene Basin[1]. The ERA study area included the Upper Basin (that portion of the South Fork of the Coeur d'Alene River and its tributaries east of Cataldo, Idaho) which includes the Wallace Yard and Spur Line project area. The ERA found ecological effects throughout the Coeur d'Alene Basin associated with Mine Waste related contaminates (predominately zinc and lead) [ERA – Executive Summary]. The EECA concluded that any ecological risk within the project area was largely driven by previous mining related activities as opposed to those associated with the railroad's use of Wallace Yard or the Spur Lines and that ecological risk from Mine Waste should be addressed as part of the Basin-wide remediation as opposed to this EECA response action. BNSF and UPRR continue to believe that the conclusions reached in the EECA are appropriate given that: (1) the contaminate source materials (i.e. Mine Waste) and the contaminants of concern (COCs) within the project area are the same as those addressed within the ERA, (2) ecological affects from the previous mining related activities are pervasive throughout the Coeur d'Alene Basin and not unique to the project area, and (3) the Wallace Yard and Spur line total right of way area is less than six percent of the 2,850 acres of area within the Upper Basin that is reported within the Coeur d'Alene Basin Record of Decision[2] (the Basin ROD) as being impacted by mining related activities or deposition of mining related waste.

We propose to address the EPA/IDEQ comments related to an ecological risk assessment by modifying the EECA to:

- Compare site specific data from Wallace Yard and the Spur Lines with the preliminary remedial goals (PRGs) for the management of ecological risk that are presented within the ERA,

- Include a qualitative assessment of the contribution, if any, that the Wallace Yard and Spur Lines may have to the ecological risk identified within the ERA for the Upper Basin by evaluating potential erosion of the remaining rail bed embankments and evaluating if such erosion results in any significant contribution to the ecological risks identified in the ERA,

- Reference those remedial measures for ecological risk identified within the Basin ROD that are specific to the project area, and

- Incorporate, as necessary, pertinent portions of the ERA.

Streamlined Human Health Risk Assessment (HHRA) – EPA has performed a baseline HHRA[3] for the entire Coeur d'Alene Basin. This HHRA included the Upper Basin. Instead of performing a new

[1] U.S. Environmental Protection Agency. Coeur d'Alene Basin RI/FS, Basinwide Ecological Risk Assessment. May 2001.

[2] U.S. Environmental Protection Agency. *Coeur d'Alene Basin Record of Decision. September 2002.*

[3] Idaho Department of Health and Welfare (IDHW). 2001a. *Final Baseline Human Health Risk Assessment for the Coeur d'Alene Basin Extending from Harrison to Mullan on the Coeur d'Alene River and Tributaries, Remedial Investigation/Feasibility Study.* Prepared for the Idaho Department of Health and Welfare, Division of Health, Idaho Department of Environmental Quality, and USEPA Region 10 by TerraGraphics Environmental Engineering, Inc., URS Greiner, Inc., and CH2M Hill. July 2001

streamlined risk assessment, the EECA incorporated the findings of the HHRA.

Based on the HHRA, the Basin ROD has established action levels for metals in soils (the primary medium of concern within the Wallace Yard and Spur Lines) that are applicable to several different defined exposure scenarios. Given that the source materials and COCs within the project area are the same as those addressed within the HHRA, it is unlikely that a streamlined risk assessment would result in a change in the Basin ROD action levels. Therefore, BNSF and UPRR still believe that the approach used in the EECA was reasonable.

We propose to address the EPA/IDEQ comments related to a streamlined human health risk assessment by modifying the EECA to:

- Elaborate on the comparison of the concentrations of metals found within the Wallace Yard and Spur Lines with those metals concentrations which were the basis for the HHRA,
- Provide additional rationale for the incorporation of the HHRA and the COCs,
- Develop risk-based action criteria for the one exposure scenario (industrial/manufacturing) that may exists at the Wallace Yard which was not separately addressed within the HHRA or Basin ROD,
- Provide a rationale to better support the EECA position that human health risk associated with groundwater and surface water identified within the HHRA should not be addressed as part of the EECA response action, and
- Incorporate supporting material from the HHRA into an Appendix of the EECA as necessary to make a more complete reference to the pertinent portions of the HHRA.

Hydrological Setting and Loading Relative to Wallace Yard – The EPA/IDEQ comments requested more detail relative to the hydrological setting at the Yard and the potential for metals loading from Wallace Yard to groundwater and surface water. We believe that some of the requested detail implied by the comments is more typically found in a remedial investigation as opposed to an EECA. We propose to address these comments by modifying the EECA to:

- Incorporate pertinent hydrological information from the Coeur d'Alene Basin Remedial Investigation[4] (Basin RI) relative to Wallace Yard,
- Collect one additional round of data from six groundwater wells and seven surface water locations at Wallace Yard (including three tributary drainages) during the fall 2004 and incorporate the sampling, analytical, and stream flow information, and
- Evaluate the contribution, if any, in metals loading to groundwater and surface water from Wallace Yard relative to other sources identified in the Basin ROD.

[4] U.S. Environmental Protection Agency. *Coeur d'Alene Basin RI/FS, Remedial Investigation Report, Final.* October 2001

More Detail Relative to the Recommended Response Actions – The EPA/IDEQ comments requested more information related to design and implementation of the response actions recommended in the EECA. As discussed on August 31, one option would be to develop such detail as part of the remedial design. After further consideration, BNSF and UPRR believe that it may be advantageous to develop this more detailed design and implementation information as part of the EECA. Accordingly, we propose preparing preliminary design details for each component of the recommended response actions and incorporating those design details into the EECA. The proposed development of these design details is discussed below by area:

- Spur Lines – The Basin ROD specified remedial measures for contaminated soils within the Basin based on categories of use (i.e. residential, common use areas, commercial, street right of way, etc.). The response actions for the Spur Lines presented within the EECA were consistent with those selected within the Basin ROD for the same categories of use. Based on the August 31 discussions, it is our understanding that EPA/IDEQ does not disagree with the general recommended approach for the Spur Lines. The primary issue associated the Spur Lines appears to be reaching a consensus with EPA/IDEQ on the applicable future use of the former railroad ROW areas. A secondary issue is the quantity of rail bed material still present within the former railroad ROW areas. To address these issues we propose the following:

  - Further reconnaissance of the Spur Lines to better define the lineal extent and dimensions of rail bed and embankment material remaining within the former railroad ROW,

  - Review former railroad ROW areas with EPA/IDEQ to determine which of the Basin Basin ROD use categories (i.e. residential, common, commercial, etc.) may apply to various portions of the former ROW, and

  - Limited additional sampling, if necessary, to evaluate hot spot areas.

  As indicated in the August 31 discussions, the remediation of areas still affected by the Spur Lines, other than the highway right of way in Ninemile, should be performed at the same time EPA remediates adjacent properties affected by Mine Waste from former mining activities. It is anticipated that the design details for that portion of the recommended response action would be developed as part of the broader area remedial design and not included in the EECA. The EECA will include a preliminary design for the proposed capping of the unpaved portion(s) of the Ninemile highway that encompass the former railroad ROW.

- Wallace Yard Area – As with the Spur Lines, the EECA recommended remedies for the Wallace Yard area consistent with those selected within the Basin ROD for the same categories of use. It is our understanding that EPA and IDEQ do not generally disagree with the approach presented in the EECA; however, the agencies are requesting a greater level of detail relative to the design and implementation of the recommended response actions for the Yard. In addition, the EPA/IDEQ comments indicated some concern that there may not be sufficient data to apply the Basin ROD action levels and remedies in some portions of Wallace Yard. We propose the following activities:

- Further characterize the Wallace Yard area and the Hercules Mill site to better define the areas requiring removals and/or barrier. The components of this task include: review of additional sampling locations with EPA/IDEQ, sampling and analysis at two depth intervals at the selected locations, and review of the data and incorporation into EECA.

- Identify the future use of Wallace Yard based on discussions with the Silver Valley Economic Development Corporation and develop risk-based action levels for that use if it is substantially different from a category that is already addressed by the Basin ROD.

- Develop a preliminary grading plan for the Wallace Yard area and Hercules Mill site that addresses the feasibility of consolidating Mine Wastes that may be removed within portions of the Wallace Yard, placement of barriers, and management of storm water.

- Identify additional implementation and design details for controlling access to the Hercules Mill site consistent with the Basin ROD.

- Develop a more detailed implementation schedule.

- Develop an institutional controls plan for Wallace Yard that is appropriate for the future use of the area.

- Evaluate the need for and elements of a long-term maintenance program for barriers and access controls within Wallace Yard and the Hercules Mill site.

Other General Comments: - The response to other EPA/IDEQ comments not included in the above categories is as follows:

- Presence of TPH – The EPA/IDEQ comments indicated that the EECA did not address the samples from the Wallace Yard that had detectable concentrations of total petroleum hydrocarbons (TPH). These samples were analyzed for specific hydrocarbon constituents consistent with the Sampling and Analysis Plan (SAP) approved by EPA and IDEQ. Except for one constituent (1,2,4-trimethylbenzene [TMB]), concentrations were below detection limits. The detectable concentrations of TMB were below the EPA Region 9 PRGs. This data is discussed in Section 2.9.4.2 of the EECA. We believe that the EECA adequately addresses the presence of TPH, particularly as it relates to IDEQ's risk based corrective action program.

- Various editorial comments – These will be addressed in the modified EECA

Schedule Considerations: - The proposed responses to the EPA/IDEQ comments will result in a greater level of detail in the final EECA. Development of this information, including the collection of additional field data, will require at least six months from the date EPA and IDEQ approve a supplemental work plan consistent with the above responses.

If you have any questions, or wish to discuss any items further, please do not hesitate to contact Mike Cooper at (303) 447-1823.

Sincerely,
MFG, INC.

Mike Cooper
Senior Consultant

cc:

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